

REMARKS

Claims 1-9, 11, 12 and 14-18 were pending in the application, Claims 10 and 13 having been previously cancelled.

The Office Action identified a generic concept for examination as set forth on page 2 of the Office Action, with the remaining subject matter of Claims 1-5 and 9 in part and Claims 6-8, 11, 12 and 14-18 in their entirety being withdrawn.

Applicants have amended Claims 1-5 and 9 to conform with the generic concept set forth in the Office Action.

However, Applicants respectfully request that the Examiner reconsider the withdrawal of Claims 11 and 12, as the undersigned has had the Office routinely permit such claims to remain in very similar cases, and considers the Examiner's refusal to permit such claims to remain in this case very much out of the ordinary.

Applicants believe these amendments overcome the objection to the claims set forth on page 3 of the Office Action.

The Office Action notes that holes have been punched through the top of each page of the specification in order for the pages to be placed in the file wrapper and that the holes were punched through the text "LeA 32 122 - Foreign Countries" at the top of each page. The Office Action requests a new copy of the specification.

Applicants have submitted hundreds of cases in this same fashion, and this is the first time that the undersigned is aware of such a request. Applicants respectfully request that the Examiner reconsider this request, as the header is meaningless to the content of the application and because it is abundantly clear what text was removed by the hole punch, e.g. that set forth above. If the Examiner still requires such a specification after reconsideration, the undersigned requests that the Examiner telephone the undersigned before issuing any further Office Action to determine, for example, whether the Examiner simply wants another copy or is in fact requesting a substitute specification.

Applicants also note that on Sheet 2 of the Form PTO 1449 filed in this case and initialed by the Examiner as attached to the Office Action, that Item AS (the Mormann et al reference) was lined through, with a note from the Examiner that it

was lined through because the Examiner was not provided with a copy. Applicants respectfully traverse, and respectfully assert that the Mormann et al reference was supplied with the original Form PTO 1449. However, to remove issues from the case, Applicants attach herewith a revised Form PTO 1449 along with a copy of the Mormann et al reference. Applicants respectfully request that the Examiner now consider the reference.

Applicants believe that the case is in condition for allowance. Entry of these Amendments and review and reconsideration of the claims and allowance of the same is respectfully requested.

Respectfully submitted,

By _____
Raymond J. Harmuth
Attorney for Applicants
Reg. No. 33,896

Bayer CropScience LP
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3916
FACSIMILE PHONE NUMBER:
(412) 777-3902

/jme/RJH/RH0105